

DISTRICT COURT (SECOND DISTRICT: WEBER COUNTY) [1687]

PROBATE COURT INDEX, ca. 1851-ca. 1899

.5 cu. ft. (1 vol.) and 1 microfilm reel

DESCRIPTION: The Index to Probate Files was created by the Weber County Clerk (in his capacity as clerk of the Probate Court) to record the names and assigned case numbers of parties in both court actions and various county matters thus facilitating clerical management of and access to these files. Entries are hand written.

The Weber County Probate Court Clerk maintained the probate files index (presumably Probate Index Book "1") through the territorial period. When statehood was achieved in 1896 the probate court was dissolved and the state district court probate division created. Although not exclusively an index to probate matters, estate cases make up the majority of the entries. The index records 810 probate cases spanning a 48-year period (1851 to September 1899). Included are guardianship and adoption cases. Also indexed are cases stemming from the Probate Court's jurisdiction in matters of divorce and the incorporation of businesses in Weber County.

The clerk also used the index to note a wide variety of county government records relative to the county court (territorial) and commission (statehood); various county officers, commissions, and boards; bonds; elections and campaigns; contracts and bids; boundary with Davis County; estray sales and notices; hospital; insurance policies; inquests; insane persons; inventory; justice of the peace; jury lists; county licenses; marriage license applications, licenses, and certificates; notary public commissions; ordinances; probate papers (old); reports; road matters; schools; tax matters; water rights; and wills.

ARRANGEMENT: Index entries for the Index to Probate Files are roughly alphabetical by the two initial letters of the surname or corporate name.

RESEARCH NOTE: This volume is the only index to Weber County case files which has been transferred to the archives (the archives does hold indices to individual probate record books). For most probate cases filed since 1899 it is advisable to obtain the file number from the Weber County District Court Clerk. Reference service on probate cases filed from 1970 to the present is provided exclusively by the Court Clerk.

Evidently the current probate case numbering system began approximately 1897. When cases originally filed with the Weber County Probate Court (between 1851 and 1896) were transferred to the district court, the territorial cases as well as those filed during the first year of statehood were assigned numbers presumably based on an existing alphabetic arrangement (cases 1-671).

The probate court clerk also served as the county clerk. The probate judge and the county selectmen formed an agency known as the County Court which later became the County Commission, thus causing great confusion in the law and records between the Probate Court and the County Court.

RELATED RECORDS: A collection of all documents and actions pertaining to the probate of wills following death which have been filed with the court clerk make up the PROBATE CASE FILES (series 6874).

A daily record of documents filed and actions taken with regard to every probate matter brought before each session of the Second District Court in and for Weber County is available in the PROBATE MINUTE BOOKS, 1896-1949 (series 9635).

Copies of wills, court orders, administrator's and executor's bonds, letters testamentary, and related documents are transcribed in PROBATE RECORD BOOKS, 1883-1896, 1920-[ongoing] (series 6405).

Archives's holdings acquired from other Weber County agencies should be checked for the non-probate records listed in the files index.

CUSTODY HISTORY: The Weber County Clerk was constitutionally designated as ex-officio clerk of Second District Court in and for Weber County until 1989 when the state assumed responsibility for the district court. The county clerk maintained custody of the probate files index until it was transferred to the archives in December 1998.

PROCESSING NOTE: The Weber County Clerk's Vault Index, 1883-1890 (series 83324), seems to have been incorporated into the Index to Probate Files, making the earlier volume obsolete. It was deaccessioned during processing. The Utah Judicial Council has determined that indexes are permanent records. Archival processing of the probate files index was completed in May 2001 by W. Glen Fairclough, Jr., and updated following microfilming of

the index in April 2002.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.